



March 2, 2015

Submitted via e-mail to: commentletters@waterboards.ca.gov

Jeanine Townsend, Clerk to the Board
Clerk to the Board
State Water Resources Control Board
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Subject: Comment Letter – General Order for Composting Operations

Thank you for providing Synagro Technologies, Inc. (Synagro) with the opportunity to comment on the State Water Resources Control Board (SWRCB) draft Environmental Impact Report (EIR) and proposed General Waste Discharge Requirements for Composting Operations (General Order).

Synagro is the largest recycler of organic by-products in the United States. Providing essential environmental solutions to over 600 public and private water and wastewater facilities in the municipal and industrial sectors, Synagro operates in every part of the nation employing over 800 people. Synagro owns and operates compost facilities in numerous states, including two large biosolids and green waste composting facilities in the Central Valley of California.

Synagro's compost is carefully blended, composted to EPA 40 CFR Part 503 standards, cured, and screened to create stable compost products for use in agriculture and horticulture and landscape. Synagro takes pride in safely recycling several hundred thousand tons per year of the State's green waste and biosolids through the production of compost at our two California compost facilities located in Kern and Merced counties. These two facilities provide important infrastructure to help achieve the State's goal of 75% recycling of California's waste stream and while reducing greenhouse gas emissions. Without the service of such biosolids/greenwaste composting facilities, California's wastewater and municipal agencies would find it extremely difficult to meet their recycling and greenhouse gas reduction mandates.

Synagro shares the State's assessment that the composting of the "organic materials that are currently landfilled and putting this material to a more beneficial use as feedstock for composting and anaerobic digestion" ... "is essential to ensure the success of meeting California's [AB 341] waste diversion and [AB 32] GHG reduction goals." That being said, Synagro's is concerned that the regulatory and economic barriers to the building of additional composting infrastructure may be insurmountable without a coordinated effort by the State's agencies and local governments to address these issues. Synagro is very encouraged and pleased by the SWRCB's effort to streamline the onerous permitting process for compost facilities through the use of the proposed General Order. Synagro respectfully submits the following comments with the intention of providing support to the SWRCB's efforts to have the General Order achieve its intended goal of streamlining the permitting while ensuring the protection of the State's water quality.

Tier II General Order Facilities Should Include Sub-Class B biosolids

Composting is relied upon by California's wastewater agencies to safely convert their biosolids and sewage sludge, including sub-Class B sewage sludge to Class A biosolids compost.

Synagro would like to emphasize that comprehensive federal and state regulations exist to ensure the safety and benefits producing biosolids-based compost from all forms of sewage sludge, including sub-Class B biosolids. US EPA utilized decades of research to develop their risk-based, scientifically peer-reviewed regulations known as the "Part 503 rules." (40 C.F.R. Part 503). The safety of production and land application of biosolids compost in compliance with the Part 503 rules has also been endorsed by two studies by the National Academy of Sciences (NAS) (1996 and 2002). In fact, the 2002 NAS report concluded that "there is no documented scientific evidence that Part 503 has failed to protect public health."

Synagro has observed in jurisdictions throughout the nation where additional burdensome compost regulations are adopted beyond Part 503 requirements, that cities and wastewater agencies face more difficulty finding methods to recycle or dispose of their biosolids with absolutely no corresponding benefits to human health and the environment. Once adopted, such rules encourage further restrictions and bans elsewhere, characteristically based on misinformation and anti-urban sentiment rather than science. Other available disposal options are typically, and unnecessarily, more expensive to the taxpayers and a detriment to the environment.

Synagro is concerned that the enforcement of a permitting process consistent with the proposed General Order that limits Tier II Allowable Feedstocks for wastewater residuals to only "Class A, B, and/or EQ" biosolids will harm the public wastewater agencies statewide that do not have the infrastructure to produce Class B biosolids and rely on composting to safely manage their material. Their material will have to be disposed of in landfills unless they are willing to permit a facility through the onerous Regional Board site-specific WDR process. Tier II General Order facilities should include sub-Class B biosolids.

Facilities with Existing WDRs

It appears that **existing** composting facilities permitted pursuant to individual the onerous regulatory requirements of Regional Board WDRs are excluded from needing to acquire a General Order permit.

Finding # 37 on page 8 of the January 6, 2015 version of the General Order states:

*Existing composting operations, **except those with individual WDRs or conditional waivers of WDRs that address the composting operation**, [emphasis added] are required to seek coverage under this General Order by submitting a complete Notice of Intent (NOI) (Attachment C), including the appropriate filing fee (Cal. Code Regs., tit. 23, § 2200), and a technical report including, but not limited to, information requested in Attachment D to the Regional Water Board. The NOI, filing fee and technical report must be submitted within one year of adoption of the General Order. The technical report shall include a schedule for full compliance and must be as short as practicable but may not exceed 6 years from the date of the NOI.*

Synagro is requesting confirmation from the SWRCB that composting facilities permitted pursuant to individual Regional Board WDRs are excluded from needing to acquire a General Order permit for existing operations and amendments to existing WDRs.

Digestate Limitations

It appears that anaerobic digestion (AD) will be heavily relied upon to help achieve the State's goal of 75% recycling of California's waste stream. As such, large volumes of the resultant digestate from AD process will need to be further processed for final use through composting and perhaps other further treatment processes for final use. Synagro's concern is that the limitation of digestate as a compost Feedstock to no more than 30% digestate to be used to make a final compost product should be increased from 30% unless the SWRCB can provide a scientific basis for such a limitation based on the carbon to nitrogen ratio of the digestate.

Definitions of Sewage Sludge, Biosolids, and What is Allowed as a Feedstock

There appears to be internal inconsistency within the General Order between the definitions of sewage sludge, biosolids, and what is allowed as a Feedstock.

- Prohibition 4.f. states: "Sludge, including but not limited to sewage sludge..... "is prohibited for use as a feedstock."
- Appendix A Definition of Biosolids states: Biosolids – Sewage sludge that has been treated, tested, and meets any of the following:
 - Class B biosolids meeting the pollutant concentration limits of Table 1 of 40 Code of Federal Regulations Section 503.13 (This is the ceiling concentration limits)
- Appendix A Definition of Sewage Sludge states: Sewage Sludge - Sewage Sludge does not include biosolids that meet the criteria in Table 3 of 40 Code of Federal Regulations section 503.13" (And thus presumably does include those solids only meeting the less stringent Table 1 Ceiling concentrations).
- In the Scope of This General Order Section – Item 28. a. defines allowable feedstocks. Tier II allowable feedstocks include: "Biosolids (Class A, B, and/or EQ): as defined in Appendix A.
- Prohibition 9 excludes the use of biosolids as an additive or amendment with no explanation.

Thus we have a concern regarding the allowance of Class B biosolids which meets the Table 1 Ceiling Limit but not the Table 3 Pollutant Concentration Limit as a Feedstock. The definition of biosolids seems to include such a material, however so does the definition of sewage sludge. The former is allowed as a Feedstock under the General Order and the latter is not.

Synagro recommends that the SWRCB provide a clear, concise and consistent definition of Biosolids as a Tier 2 Allowable Feedstock that includes sewage sludge (Class A, B, sub-Class B and/or EQ) that meets Table 1 Ceiling Limits.

Ground Water Protection

Synagro's experience with its groundwater monitoring at its composting facilities have shown that composting operations do not pose a threat to ground water. Compost and the feedstocks actually have an affinity for water retention, thus making the potential for groundwater contamination remote at best, especially considering the limited amount of rainwater in California. As such, and with a site-specific soil analysis, many areas at a compost facility do not need to be designed and constructed at a prohibitively costly fashion with impervious surfaces in most locations.

Thank you again for the opportunity to comment and we stand at the ready to provide support to the SWRCB during this rulemaking process. If you have questions or need any additional information, please feel free to contact me at (714) 299-2943 or by email at lbaroldi@synagro.com.

A handwritten signature in black ink that reads "Layne Baroldi". The signature is written in a cursive style and is centered within a light beige rectangular background.

Layne Baroldi
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